

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OKLAHOMA

**FILED**

NOV 14 2008

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

STACEY POTTER ,

Plaintiff,

vs.

Case No.:

SYNERLINK CORPORATION,  
f/k/a PREFERRED REPS, INC.,  
d/b/a PREFERRED SALES  
AGENCY, LTD.

Defendant.

**08 CV - 674 GKF SAI**

**COMPLAINT**

COMES NOW, the Plaintiff for her causes of action against the Defendant  
alleges and states:

**PARTIES**

1. Plaintiff is a citizen of the State of Oklahoma residing in Tulsa County.
2. Defendant is a Texas corporation with its principal place of business in Carthage, Texas. Defendant has at all times relevant hereto been doing business in the State of Oklahoma.

**JURISDICTION**

3. Plaintiff asserts a federal cause of action for sex discrimination in violation of Title VII of the Civil Rights Act of 1964 as amended. The Defendant is an employer subject to Title VII.
4. Plaintiff asserts a claim for Defendant's failure to pay wages in violation of 40 O.S. § 165.3(A).

*Rec'd  
5/2*

5. The Court has jurisdiction of Title VII claims pursuant to 28 U.S.C. § 1331 and jurisdiction of Plaintiff's state claim pursuant to 28 U.S.C. § 1367.

6. Plaintiff has exhausted her administrative remedies and has received a right to sue letter from the Equal Employment Opportunity Commission on or about August 22, 2008. This action is timely brought before this Court.

**COUNT I**  
**DISCRIMINATION**

7. Plaintiff was hired by Defendant in January 2004 as Defendant's first and only female Territory Manager (salesperson).

8. Prior to and subsequent to Plaintiff being hired by the Defendant, female employees of the Defendant other than Plaintiff were only placed in support positions.

9. Defendant is in the business as manufacturers' representatives for companies that manufacture transmission, substation and distribution products used by electric utilities. Defendant's business and the electric utility industry are male dominated work places.

10. During her time as Territory Manager, Plaintiff's performance rapidly improved until she became the top producing Territory Manager in 2006 out of 18 Territory Managers. At that time she won the "Mrs. Gross Profit Award". Prior to her winning this award and while she was employed by the Defendant, the award was entitled the: "Mr. Gross Profit Award". After Plaintiff's termination in June 2007, the award in 2007 went back to being the: "Mr. Gross Profit Award".

11. Plaintiff's performance and attitude were described by the management of the Defendant as excellent, and she was described by management in the following terms: the ultimate team player; appreciated for her aggressiveness and enthusiasm; driven to be the best; an honest person; high morals; partner; and wise beyond her years, among others.

12. Generally, Defendant subjected Plaintiff and other female employees to lesser terms and conditions of employment as compared to those enjoyed by similarly situated male employees.

13. After Plaintiff won the prestigious Mrs. Gross Profit Award management approached Plaintiff to consider giving up part of her sales territory, but advised her that it was her decision because she had done the hard work to build up her territory. However, management continued to push Plaintiff to give up part of her sales territory despite its instructions that this would be her decision. In response, Plaintiff agreed to give up part of her territory and requested a meeting with management to determine future plans.

14. As of June 2007, Plaintiff was again number one in sales of the Defendant's 18 Territory Managers, and Plaintiff was anticipating receiving the "Mrs. Gross Profit" award for the second year.

15. Defendant requested that Plaintiff meet with Jim Tarpley and Earl Reynolds in Oklahoma City on June 14, 2007. Although Plaintiff requested the purpose of this meeting, Defendant hid the purpose of the meeting from the Plaintiff and when the Plaintiff arrived, Plaintiff was fired. The reason for the firing was

that Plaintiff was “unhappy” in her job. Such reason was a pretext for discrimination for Plaintiff being too successful and too aggressive for a woman.

16. In truth, as communicated by Plaintiff to the Defendant repeatedly, she was very happy with her job. She was earning in excess of \$220,000.00 per year plus benefits and her future earnings looked as they would substantially increase.

17. Plaintiff has suffered lost wages, past and future, and emotional distress.

18. Because the actions of the Defendant were willful and wanton, or at least in reckless disregard of Plaintiff’s federally protected rights, Plaintiff is also entitled to punitive damages.

## **COUNT II** **UNPAID WAGES**

19. Plaintiff had earned two weeks paid vacation for 2007 at the time of her termination. However, Defendant failed to pay such when it terminated her. This vacation time is valued at \$3,000.00.

20. Plaintiff had sold product and earned commissions on sales prior to her termination in the amount of \$38,904.21. Defendant paid \$10,074.46 of these commissions leaving \$28,829.75 unpaid to which Plaintiff is entitled.

21. Plaintiff is entitled to recover an equal amount of \$31,829.75 in liquidated damages for Defendant’s failure to pay wages when due. 40 O.S. § 165.3(B).

## **DEMAND FOR RELIEF**

**WHEREFORE**, Plaintiff requests that the Court enter a judgment in her favor and against the Defendant including award of damages for lost wages, front

pay, emotional distress, unpaid wages, liquidated damages equal to the amount of unpaid wages, including attorneys fees, costs and interest and for an award of punitive damages along with any and all other relief the Court deems just and proper.

Respectfully submitted,

By: 

LARRY D. HENRY OBA #4105

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